



## CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Update Curb, Gutter and Sidewalk Repair Policy

**MEETING DATE:** April 5, 1995

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council adopt the attached resolution revising the City's Curb, Gutter And Sidewalk Repair Policy.

**BACKGROUND INFORMATION:** In 1985, the City Council adopted a curb, gutter and sidewalk repair policy (Exhibit A). In that year, the City also completed its first formal sidewalk inventory to evaluate the status of sidewalks throughout the City. This inventory is updated approximately every three years and is scheduled to be done this summer. The inventory shows the locations and extent of sidewalk deficiencies throughout the City.

In the past, all offsets greater than 3/4 inch were temporarily patched by the City. This year we will request funds in the upcoming budget to purchase a concrete grinder and auxiliary equipment to use in our sidewalk maintenance program. Instead of patching offsets, the grinder will be used to smooth out the raised areas with uplifts of up to 1 1/2 inches. Larger raised areas will be patched as we are now doing. The use of the grinder saves worker and equipment hours as well as the patching material. In a number of cases, property owners will be saved the expense of replacing sidewalk.

Damaged sidewalk which is the City's responsibility is repaired by the City on a priority basis. This means that the worst deficiencies, based on the size of the offset, location and pedestrian usage, are repaired as funds are available. The City notifies property owners whose damaged sidewalks are in the same categories as those the City is repairing to repair their sidewalks. If a complaint is received and the offset is greater than 1 1/2 inches, the City replaces those sidewalks or notifies the property owners to replace the sidewalks damaged by their tree.

Many of the proposed revisions (Exhibit B) to this Policy are for clarification only and do not change the original intent. However, there are several revisions that are actual changes in policy. The biggest change is that curb and gutter damaged by property owner's trees will be replaced by the property owner. Currently, the City replaces all damaged curb and gutter regardless of the cause of damage. Of course, this work is only done if funds are available; therefore, if the sidewalk should be replaced because it is damaged by the owner's tree, notification may be withheld because there are no funds available to fix the curb and gutter.

Another change is that the City will no longer repair all damage due to grade subsidence. This damage is caused, in most cases, when heavy trucks or large recreational vehicles are driven over sidewalks.

APPROVED: \_\_\_\_\_

THOMAS A. PETERSON  
City Manager



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April 5, 1995  
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With the decrease in street funds, these changes will make it possible for the City to do more repairs because property owners will have the responsibility to repair curbs, gutters, and sidewalks damaged by their trees or vehicles. This will cut down our liability because more sidewalks will be repaired using funds previously used to repair curb and gutter damaged by private trees.

FUNDING: Not applicable.



Jack L. Ronsko  
Public Works Director

Prepared by Sharon Blaufus, Administrative Assistant

JLR/SB/Im

Attachments

cc: City Attorney  
Street Superintendent



# **CITY OF LODI**

PUBLIC WORKS DEPARTMENT

## **EXISTING POLICY**

**EXHIBIT A**

## **POLICIES AND PROCEDURES**

STREETS - 6

CURB, GUTTER & SIDEWALK REPAIR POLICY

7/24/85

Property owners or tenants have the responsibility to report to the City of Lodi all defective sidewalk fronting their property.

### I. SIDEWALK REPAIR

A. TEMPORARY PATCHING - The City shall patch sidewalk where there is  $\frac{3}{4}$ " -  $1\frac{1}{2}$ " vertical offset or minor irregularities. This will be done at no charge to the property owner. The property owner or tenant has the responsibility to notify the City of any change in the condition or the sidewalk or the patched area.

B. SIDEWALK REPLACEMENT - Sidewalks shall be removed and replaced when vertical offset is greater than  $1\frac{1}{2}$ ."

1. Sidewalk replacement at City expense is done under the following conditions:

- a. Damage caused by City-maintained trees
- b. Damage due to grade subsidence
- c. Damage due to City utility cuts
- d. Damage due to heat expansion
- e. Sidewalk fronting City-owned property

2. Property owner shall replace sidewalk and driveway apron where the hazardous condition is caused by something other than the above categories. The property owner shall have a licensed contractor do the work within a prescribed time. If, after formal notice by the City, the repairs are not completed within that time, the City shall make the repairs and assess the property owner.

### II. CURB AND GUTTER MAINTENANCE

A. The City shall maintain all curb and gutter.

### III. TREE MAINTENANCE

A. The City shall do root surgery on all City-maintained trees where it is required. City shall remove City-maintained trees when required under City's adopted Tree Policy. This work will be done in conjunction with the replacement of the sidewalk and/or the curb and gutter.

B. The City shall not do root surgery on privately-owned trees.

Resolution 85-93 adopted by the City Council at its meeting of July 24, 1985

# PROPOSED REVISED POLICY

EXHIBIT B

STREETS - 6

CURB, GUTTER & SIDEWALK REPAIR POLICY

7/24/85

~~Property owners or tenants have the responsibility to report to the City of Lodi all defective sidewalk fronting their property.~~

## I. NOTICE AND ACTION

- A. Property owners or tenants have the responsibility to report to the City of Lodi all defective curb, gutter and sidewalk fronting their property. (For purposes of this Policy, sidewalk includes portions of driveways within the right of way.)
- B. The Street Superintendent will inspect and classify sidewalk repairs for action per this Policy. Generally, offsets or other defects less than 3/4" are considered minor and require no further action.

## II. SIDEWALK REPAIR

- A. TEMPORARY PATCHING - The City shall ~~place~~attach a temporary patch on sidewalks where there is 3/4" - 1 1/2" vertical offset or minor irregularities. This will be done at no charge to the property owner. The property owner or tenant has the responsibility to notify the City of any change in the condition of the sidewalk or the patched area.
- B. SIDEWALK REPLACEMENT - When vertical offset is greater than 1 1/2", sidewalks shall be processed for removal and replacement on a priority basis when vertical offset is greater than 1 1/2". These areas will also be temporarily patched until replaced.
  - 1. Sidewalk replacement at City expense is done under the following conditions:
    - a. Damage caused by City-maintained trees. (City-maintained trees are only those trees located in the parkways between the curb and sidewalks or those fronting City-owned property.)
    - ~~b. Damage due to grade subsidence~~
    - ~~bc. Damage due to City utility cuts~~
    - ~~cd. Damage due to heat expansion~~
    - ~~e. Sidewalk fronting City-owned property~~
  - 2. Property owner shall replace sidewalk and driveway apron where the hazardous condition is caused by something other than the above categories. The property owner shall have a licensed contractor do the work within a prescribed time. If, after formal notice by the City, the repairs are not completed within that time, the City shall make the repairs and assess the property owner.

## III. CURB AND GUTTER MAINTENANCE

- ~~A. The City shall maintain all curb and gutter.~~
- A. Curb and gutter which is damaged by City-maintained trees, City utility cuts or heat expansion will normally be replaced by the City at the time damaged sidewalk is replaced or with street improvement projects.
- B. Curb and gutter which is damaged by property owner's trees shall be replaced by the property owner at their expense.

## IV. TREE MAINTENANCE

- A. The City shall ~~be~~ responsible for root surgery on all City-maintained trees where it is required. City shall remove City-maintained trees when required under City's adopted Tree Policy. This work will be done in conjunction with the replacement of the sidewalk and/or the curb and gutter.
- B. The City shall not do root surgery on privately-owned trees. Root surgery on privately-owned trees is the responsibility of the property owner.

Resolution 85-93 \_\_\_\_\_ adopted by the City Council at its meeting of July 24, 1985 \_\_\_\_\_

Jack L. Ronsko  
Public Works Director

RESOLUTION NO. 95-48

A RESOLUTION OF THE LODI CITY COUNCIL  
UPDATING THE CURB, GUTTER, AND SIDEWALK REPAIR POLICY  
FOR THE CITY OF LODI

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RESOLVED, that the City Council of the City of Lodi does hereby update the Curb, Gutter, and Sidewalk Repair Policy for the City of Lodi as shown on Exhibit "A", attached hereto and thereby made a part hereof.

Dated: April 5, 1995

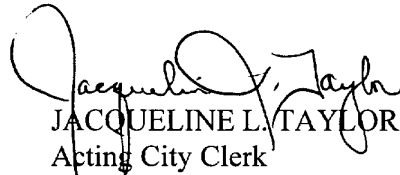
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I hereby certify that Resolution No. 95-48 was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 5, 1995 by the following vote:

AYES: Council Members - Pennino, Sieglock, Warner and  
Mann (Mayor)

NOES: Council Members - Davenport

ABSENT: Council Members - None

  
JACQUELINE L. TAYLOR  
Acting City Clerk

# PROPOSED REVISED POLICY

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Jack L. Ronsko  
Public Works Director